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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,079	07/25/2003	James Howard Eaton	TUC920020127US1	3125

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EXAMINER

MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,079	Applicant(s) EATON, JAMES HOWARD	
	Examiner Brian E. Miller	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/6/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 1-22 are pending.

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-21 in the reply filed on 4/6/06 is acknowledged. The traversal is on the ground(s) that, "Applicants believe that claim 1 is a generic linking claim which encompasses the limitations of claim 22. Specifically, claim 22 can not be practiced without necessarily practicing the function of claim 1." While this statement is not necessarily found persuasive because claim 22 is an independent claim, after further consideration, due to the fact that no specific manipulation of the read data occurs in claim 22, besides generic "reading" thereof, the restriction will be withdrawn and all pending claims will be examined at this time.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps of recording, reading, measuring and selecting, as set forth in claim 16, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. The drawings are objected to. Figure 7 should have appropriate labels, e.g., A, B, C, D, to correspond the different "embodiments". Also, the specification should be modified as well, e.g., at least in the "Brief Description of the Drawings," to reflect these changes.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one

figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: (a) page 5, line 9, the phrase “the trailing module is rigidly attached to the trailing module...” is awkward. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.

Claim Objections

5. Claims 1-10, 20-21 are objected to because of the following informalities: (a) claim 3, the language “the trailing module is rigidly attached to the trailing module” is awkward; (b) the preamble to claims 1-10, i.e., “A recording head to read” appears to be inaccurate, since a

recording head would *write* data. Claims 20 & 21 have similar problems; (c) claim 7 the word “I/O” should be omitted for clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 10, 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (a) claim 10 the phrase “are offset an amount...of the calculated maximum shrinkage and expansion of the magnetic tape” is indefinite. It is not readily apparent what the “calculated maximum shrinkage and expansion” originates from, nor how an offset is applied in a certain range if the modules are necessarily assembled *before* these calculations can take place; (b) claim 16, the steps of “recording”, “measuring” and “selecting” would not be encompassed or correspond to a “method for reading data” as set forth in claim 11. Furthermore, no structure has been set forth to facilitate these steps.

As a result, no prior art determination can be applied to these claims at this time.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-9, 11-15, 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Baca et al (US 5,629,813). (As per claims 1 & 21) Baca et al discloses, as shown mainly in FIGs. 3 & 6B a recording/reproducing head 20 to record/read from a plurality of tracks on

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magnetic tape 22 while compensating for shrinkage or expansion of the magnetic tape, the recording head comprising: a leading module, e.g., designated as “L”, comprising a plurality of leading read elements, e.g., “RD” located at spaced intervals along the length of the leading module “L”; a trailing module, e.g., designated as “R”, comprising a plurality of trailing read elements, e.g., “RD” located at spaced intervals along the length of the trailing module (see col. 5, lines 24-42); and the trailing module being offset, e.g., “VO” (FIG. 6B-and col. 6, lines 32-36) with respect to the leading module, such that: selected leading read elements are substantially aligned with selected tracks from the plurality of tracks, and selected trailing read elements are substantially aligned with selected tracks from the plurality of tracks, through appropriate servo heads and calculations, e.g., LS1-LS6 and RS1-RS6; (as per claims 2 & 3) wherein the trailing module “R” is fixed/rigidly attached with respect to the leading module, e.g., bonded; (as per claim 4) wherein the trailing module is substantially identical to the leading module, as shown in Fig. 3; (as per claim 5) further comprising a plurality of leading write elements, e.g., “WR”, on the leading module, and a plurality of trailing write elements, e.g., “WR”, on the trailing module; (as per claims 6 & 7) further comprising a plurality of servos configured to substantially align selected leading and trailing read elements with the plurality of tracks, e.g., LS1-LS6 and RS1-RS6; (as per claim 8) wherein the servos “effectively measure” the width of the magnetic tape between servo bands on the tape; (as per claim 9) further comprising a controller 26 (col. 8, lines 19-30) configured to select the selected leading read elements and the selected trailing read elements.

As the method claims 11-15, 17-19, 22, include similar limitations to the above described “recording head”, they are rejected under the same grounds.

With respect to claim 20, Baca et al further includes a magnetic medium, e.g., tape 22, and a data storage device 20, e.g., magnetic head, as described further, supra.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, including US Patent to Barndt et al (6,222,698), which is cited to show manipulation of the read/write heads related to age-related tape shrinkage.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brian E. Miller
Primary Examiner
Art Unit 2627

BEM
June 8, 2006